

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CV 15-1101 RB/WPL
CR 96-363 RB

RUBEN PAUL HERRERA,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD), filed October 24, 2016. (CV Doc. 10; CR Doc. 137.) The parties were notified that objections were due within fourteen days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. (*Id.* at 6; *id.* at 6.) To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) the Motion for Sentence Relief Pursuant to Rule 60(B) (CV Doc. 1; CR Doc. 125), which the Court construed as a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 (CV Doc. 3 at 1; CR Doc. 127 at 1), is denied;
- 3) this cause is dismissed with prejudice; and
- 4) a certificate of appealability is denied.


UNITED STATES DISTRICT JUDGE